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BY THE HOUSE OF DELEGATES,
JANUARY 12, 1870.

Read, and ordered to be printed.

By order,

MILTON Y. KIDD,
Chief Clerk.

MEMORIAL

FROM THE

BOARD OF TRUSTEES

OF THE

MARYLAND

Agricultural College,

TO THE

GENERAL ASSEMBLY OF MARYLAND.

ANNAPOLIS:
WILLIAM THOMPSON OF R., STATE PRINTER.

1870.

MEMORIAL.

To the Honorable,

The General Assembly of Maryland:

By resolution of the Board of Trustees of the Maryland Agricultural College, adopted at their adjourned meeting, held on the 4th of January inst., the undersigned, as President of the Board, was directed to memorialize the Legislature, asking an appropriation of 5,000 dollars to fulfill the object for which the College was established, to enable the Trustees to provide a Library, Chemical or Philosophical Apparatus, and cabinet of minerals to teach and illustrate the subjects specially committed to this Institution.

By reference to the charter of the College, it will be found that the stockholders, (private individuals,) were first to subscribe and raise a fund of not less than 50,000 dollars, with which they were required to purchase a farm, and erect thereon buildings sufficient for a College and farm purposes, and to certify the same to the Comptroller in writing, who, upon being satisfied that said subscriptions were *bona fide* made, a Board of Trustees elected, a farm purchased, and the necessary buildings erected, was authorized by his warrant upon the Treasurer to draw upon that officer in favor of said Agricultural College the sum of 6,000 dollars per annum, which said sum is to be applied by the Board of Trustees to the payment of the salaries of Professors, and such other purposes as shall promote the welfare of the College.

By a subsequent Act of Assembly, the Board of Trustees are required, in consideration of said annual donation of 6,000 dollars, to receive and furnish free tuition, books and sta-

tionery to sixty (60) beneficiary students from the City of Baltimore, and the various counties of the State. This free tuition with the cost of books and stationery is computed by the President and faculty as costing the College, the sum of seventy-five (75) dollars for each student, or four thousand five hundred (4,500) for the aggregate number of free students that are in the College; thus, in fact, leaving to the State the comparatively trifling sum of fifteen hundred dollars with which to fulfill its share of the contract.

In other words, for the State's annual donation of.....$6,000
The College pays back, by furnishing tuition, books and stationery to sixty State beneficiaries..... 4,500

Leaving only the sum of.....$1,500
As the real gain under the terms of the charter, as above set forth.

It will thus be seen that the private stockholders, without any special privileges or benefits, lose the whole interest upon their subscription of $50,000, equal per annum to the sum of $3,000, while the State by benefits received, reduced her donation $1,500. The Trustees, however, in consideration of the great good conferred upon the people of the State cheerfully acquiesced in this unequal working of the terms of the charter, and only now present to show the reasonableness of the petition they now have the honor to present to the Legislature.

The undersigned further respectfully represent that by the Act of Assembly of 1864, chap. 90, Article 17, the State of Maryland *accepts* the provision sof an Act of Congress approved July 2d, 1862, donating public lands to the several States which may provide Colleges for the benefit of Agriculture and the mechanics' art.

Section 19 authorizes the Comptroller, with the approval of the Governor and Treasurer, to sell said land scrip received from the United States.

Section 20 directs the Treasurer, upon the warrant of the Comptroller, to pay all expenses of the management, superintendence and taxes for, and all incidentals connected with, or arising out of, the management of said lands, so that the entire proceeds of sale shall be applied, without any diminu-

tion whatever, to the purposes mentioned in the Act of Congress.

Section 21 directs the funds arising from such sale to be invested and shall constitute a perpetual fund.

Section 22 directs the Comptroller to keep separate accounts of the monies derived from the sale of said land scrip.

Section 24 directs that a separate bank account of this fund shall be kept so that the money shall not be intermingled with the ordinary funds of the State.

Such is the clear, full and guarded manner with which the State, by this Act of 1864, accepted and assumed this sacred trust. In fact the Act is but little more than a transcript of the law of Congress making the donation. The words, "to pay all expenses by the State of the management, superintendence, taxes and all incidentals, &c., so the entire proceeds of sale shall be applied without diminution" and shall constitute a "perpetual fund" &c., are the same in both laws.

Section 5, of the Act of Congress provides, "that if any portion of the fund, or any portion of the interest thereof, shall, by any act or contingency be lost or diminished, it shall be replaced by the State, so that the capital or fund shall forever remain undiminished."

Section 1, of the Act of 1865, ch. 178, provides, that the annual interest or income of said investment shall be regularly paid by him, the Comptroller, without diminution to the Maryland Agricultural College.

With this law of 1864 and '65, and the Act of Congress, donating this fund before him—so clearly expressed in their several terms—that the annual interest arising from this fund should be regularly paid over "without diminution," the undersigned was surprised to learn when he was elected last spring as a Trustee of this College, that the Honorable, the Comptroller, had felt it to be his duty to withhold a part of the fund to pay the tax alleged to be due thereon to the United States. The exigencies of the College required the payment due to it from this fund, and the undersigned, to prevent loss and complication, advised that it should be received from the Comptroller under protest as to the tax with-

held by him, and the General Assembly is now respectfully petitioned to pass a law directing the Comptroller to pay over to the Maryland Agricultural College the tax erroneously withheld from it.

The undersigned further respectfully represents, that by the Act of 1866, ch. 53, the State became a purchaser for the sum of forty-five thousand (45,000) dollars, of one-half of the Agricultural College property of "every kind and description, real personal and mixed," the same being then valued at the sum of one hundred thousand dollars, and by said Act required, and received by deed duly executed and recorded, a good and valid title as "joint and equal owner of the property," and by said Act reduced the number of Trustees on the part of the stockholders, from twenty-four to seven, and added four on the part of the State, "to represent the State's interest as joint owner of the property." Thus in fact, and by control, assuming, for the sum above stated, a joint and equal ownership in the property and its management.

Strangely, however, (and in direct conflict with the Act of 1864, above recited, accepting the law of Congress of July 1862, donating the land scrip already referred to, which trust, with all its conditions and obligations, was so solemnly assumed by the State in said Act of 1864,) by the 7th section of this Act of 1866, purchasing for less than one-half its estimated value, "a joint and equal" ownership in the property, curtailing by more than two-thirds the power of the private stockholders, and increasing that of the State, that it should, then, by the 7th section of said Act, claim and retain ten (10) per cent. on $10,000 of the fund received from the sale of the land scrip, in the language of the law, "to reimburse the State in part for the amount appropriated to the Maryland Agricultural College *by this Act.*" Thus reducing the appropriation from $45,000 to $35,000. Had the whole proceeds of the land scrip not been a fund dedicated in the most solemn manner to a specific object, and the trust accepted and assumed by the State as has been shown in a manner equally solemn and impressive, with the faith of the State sacredly pledged to the full and complete

execution of the trust, without "loss or diminution" in either principal or interest, it would still seem strange that after the purchase of "a joint and equal" ownership in the property, at less than its estimated value, that the State should withhold any fund to reimburse itself for an appropriation thus made. But when so solemn and sacred a trust fund is thus seized and appropriated, surprise is lost in wonder and astonishment at such a diversion.

The undersigned, therefore, most respectfully, in behalf of this Maryland Agricultural College, hitherto struggling under a load of debt and adverse circumstances, but now happily under its devoted and energetic President and able corps of Professors, attracting to its halls a much larger class of students than at any former period, humbly petitions your honorable body to repeal the 7th section of the Act of 1866, chapter 53, wrongfully, in the judgment of the undersigned, withholding from the College and appropriating to the use of the State, the 10 per cent. aforesaid. And to pass a law reimbursing the College with loss of interest from said sum so withheld, and also to cover the tax aforesaid paid the Comptroller under protest, as heretofore stated; and also to grant the small appropriation asked for to enable the College to fulfill its mission, and become what its founders designed, a school of practical and scientific instruction for the farmers and mechanics of the State.

And as in duty bound, the undersigned will ever pray, &c., &c., &c.

On behalf of the Board of Trustees.

A. B. DAVIS,
President.